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UNCLAS SECTION 01 OF 02 PORT AU PRINCE 000683

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TAGS: [PREL](#) [PGOV](#) [KJUS](#) [KDEM](#) [KCRM](#) [HA](#)
SUBJECT: GASSANT RETURNS TO WORK

REF: A. PORT AU PRINCE 89

- [1B.](#) PORT AU PRINCE 526
- [1C.](#) 06 PORT AU PRINCE 1734
- [1D.](#) 06 PORT AU PRINCE 1561

PORT AU PR 00000683 001.2 OF 002

[11.](#) (U) This message is sensitive but unclassified -- please protect accordingly.

[12.](#) (SBU) Summary: Port-au-Prince's chief public prosecutor, Claudy Gassant, returned to work on April 2 after an absence of almost three months. During his absence, Justice Minister Rene Magloire appointed a chief public prosecutor ad interim, but claimed he did not have the authority to fire Gassant. Upon Gassant's return, Director General of the Haitian Police (HNP), Mario Andresol, sent in a team of special forces, in an apparent attempt to prevent Gassant from resuming his job.

Gassant recounted the deterioration of the relationship between himself and Minister Magloire, which peaked following a dispute over Gassant's claim that assailants broke into the public prosecutor's office (parquet) in early January (ref A). In a press conference on April 6, Prime Minister Jacques Edouard Alexis expressed disdain over Gassant's return to the parquet, and the Justice Minister refused to comment on the issue. Meanwhile, Gassant said that he would re-open the investigation into the death of radio journalist Jean Dominique. With Gassant back at work, even if underlying tensions with ministry officials remain unresolved, hopefully public prosecutors will start processing the hundreds of kidnapping suspects currently in prison awaiting trial. End Summary.

Gassant: I was Never Fired

[13.](#) (U) Poloff and post's political specialist met with Claudy Gassant at the parquet on April 10. Gassant had left his position temporarily on January 12 because Justice Minister Rene Magloire ignored Gassant's request for an independent investigation on a break-in that occurred on January 7 at the parquet in downtown Port-au-Prince. Gassant justified his return to the parquet: he had never resigned, and was never fired or even reprimanded by his superior, Minister Magloire. He also noted that originally, he had

designated Fan Fan Guerrilus as substitute during his leave of absence. According to Gassant, Minister Magloire confirmed Gassant's authority when the Minister appointed Guerrilus chief public prosecutor ad interim.

¶4. (SBU) Minister Magloire told Ambassador on March 8 that Gassant was finished as chief public prosecutor but that as the justice minister, he did not have the authority to fire Gassant. Instead, the Minister appointed Fan Fan Guerrilus ad interim, declaring that Gassant could not return to the position without permission from the Minister (ref B). Gassant discounted the Minister's claim, stating that the justice minister is the only one with the authority to fire the chief public prosecutor, and that he could not officially appoint a new one if he himself had not been fired.

Andresol Sends in the SWAT

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¶5. (SBU) According to Gassant, Rapid Intervention Team (RIT -- Haitian equivalent of SWAT) police officers arrived at the parquet upon his return on April 2, with orders from HNP Director General Andresol. When the RIT tried to escort Gassant out of his office, Gassant refused to leave and demanded to know who sent them: RIT officers told him that this was not an official mission, but that they had ''special orders'' from Andresol. Apparently Andresol called off the RIT after two days; however, Minister Magloire; the Secretary of State for Public Security, Luc Joseph Eucher;

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and Andresol stopped by the parquet on April 4. They did not stay, but Gassant called their visit ''a serious provocation.'' Guerrilus stopped coming into work at the end of Gassant's first week back because, Gassant speculated, he was being ''manipulated'' by the justice minister. On April 10, the situation appeared improved, and for the first time since Gassant's return, the justice ministry resumed sending prisoners awaiting trial to the parquet.

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Evidence of a Break-In

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¶6. (U) Gassant confirmed that the conflict between himself and Magloire, Eucher, and Andresol started when Gassant did not dismiss a warrant in September, 2006 for the arrest Michael Lucius, head of the criminal investigation unit (DCPJ) and the third highest ranking official in the Haitian police (ref C). It intensified following Magloire's public disbelief of that assailants broke into the parquet in January. Gassant presented Poloff with a report from the UN Police (reported in the press in early March), validating Gassant's claim that a break-in occurred, but also contradicting the Minister's statement that ''it must have been someone with a key'' who entered the parquet that night (ref B). He also had pictures of broken locks and an oxygen tank used to break the locks to prove that a break-in occurred.

PM Questions Gassant's Return

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¶7. (U) Prime Minister Jacques Edouard Alexis, upon his return to Haiti on April 6, publicly expressed discontent that Gassant was back at work at the parquet. He said that Gassant needed authorization from the justice minister to do so, a claim that has been disputed (in favor of Gassant) in the press over the past week. Justice Minister Magloire on April 13 refused to comment on Gassant's return, stating that the issue was ''out of his hands.''

Jean Dominique Case Reopened

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¶8. (U) Gassant, who had investigated the murder on April 3, 2000 of popular radio journalist Jean Dominique, told Poloff that he would be meeting with Fritzner Fils-Aime, the magistrate currently in charge of the case, to ensure that the investigation starts up again. On April 3, Gassant marked the seventh anniversary of Dominique's death by assuring Haitians that the case would not be dropped. President Rene Preval also announced on that same day that Jean Dominique's case would be reopened, "now that certain political obstacles" no longer stood in the way.

Comment

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¶9. (SBU) The Gassant saga centers on a prosecutor noted for his diligence and probity but also arrogance and egotism. Even if Gassant's position on the particulars of this dispute is defensible, his behavior otherwise suggests he is a potentially disruptive force within the justice apparatus. Andresol and Eucher, both skilled and strong-willed, appear fed-up with what they view as Gassant's attempts to exercise excessive authority and influence within the justice ministry. In one instance, shortly after taking the position in August, 2006, Gassant made public comments about improving police performance, much to Andresol's annoyance (ref D). All three men answer directly to Justice Minister Magloire, but Magloire's failure to take decisive action to resolve the dispute underlines his own timidity and weak management. Gassant's return to work is a positive development: his position is an important part of the justice chain, especially within a ministry which lacks competent officials. Hopefully, Gassant's return will mark an end to overt conflict and will allow the ministry to focus on the thousands of prisoners, including hundreds of kidnapping suspects, currently in prison awaiting trial.

SANDERSON